

REMARKS

Claims 1 through 20 are pending in the application. Claims 1, 9, and 16 are hereby amended to better define the invention. Specifically, the claims are amended to specify that the post has one end that is sunk (or otherwise secured) in the ground and another end extending above the ground to be coupled to the object or sign. Intermediate the two ends, the post is continuous, as would result from a co-extrusion process, to avoid interruptions in mechanical and structural properties of the post.

The claimed invention stands in stark contrast to the foundation piling of Hubbell in that it has one end designed to extend above the ground surface to support a sign or similar object (thus resulting in a cantilever structure), has a continuous structure from end to end, and has a core formed at least partially of low-cost recycled rubber. *Hubbell*, as previously discussed, teaches away from continuity from end to end inasmuch as it contemplates that one pile will be driven onto and joined to another pile, and further discloses the formation of portals in the conduit, which again interrupts continuity of the structure. *See* Col. 7, ll. 1-7 and Col. 7, ll. 8-14 (“placement of strain gages . . . via sealable and/or resealable portals into the structure’s post-tensioning conduit . . .” *See also* Col. 10, ll. 5-13).

Further, as a foundation piling, the *Hubbell* structure is sunk into the ground and relies upon the surrounding earth to provide support against bending loads (or other loads not compressive in nature). *Hubbell* need not concern itself with either supporting a structure such as a highway sign unassisted by surrounding earthen formation, or with its failure mode if struck by a vehicle. It therefore would be non-analogous art to one considering the construction of a cantilevered signpost that is subjected to a wide variety of loads without external supporting structure and that preferably has certain failure characteristics if struck by a vehicle

Also, as previously noted, *Hubbell* conspicuously lacks teaching or suggestion of the use of recycled rubber in its core in addition to lacking teaching or suggestion of the

continuity of the structure. None of the other cited references supply the motivation to combine their teachings with those of the non-analogous foundation piling of *Hubbell* to obtain Applicant's claimed invention.

In view of the amendments, Applicant respectfully solicits reconsideration and allowance of all claims.

Applicant has now made an earnest attempt to place this application in condition for allowance, or in better condition for appeal. Therefore, Applicant respectfully requests, for the reasons set forth herein and for other reasons clearly apparent, allowance of all pending claims so that the application may be passed to issue.

If the Examiner has any questions or desires clarification of any sort, or deems that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Applicant believes no fee is due for the filing of this amendment and response. If this is incorrect, the Commissioner is hereby authorized to charge any fee or credit any overpayment to Deposit Account No. 50-2180.

Respectfully submitted,

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